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16 *Counsel for Plaintiff and proposed Lead Plaintiff*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 CEMENT & CONCRETE WORKERS DISTRICT
20 COUNCIL PENSION FUND

21 Plaintiff

22 v.

23 HEWLETT PACKARD COMPANY, and MARK
24 A. HURD,

25 Defendants

CIVIL ACTION NO.: 12-CV-04115
(PJH)

CLASS ACTION

**DECLARATION OF IRA M. PRESS
IN SUPPORT OF LOCAL 338
RETIREMENT FUND'S MOTION
FOR APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
SELECTION OF LEAD COUNSEL
AND LIAISON COUNSEL**

DATE: November 28, 2012

TIME: 9:00 a.m.

JUDGE: Honorable Phyllis J. Hamilton

CTRM: 3 – 3rd Floor

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28 DECLARATION OF IRA M. PRESS IN SUPPORT OF LOCAL 338 RETIREMENT FUND'S
MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF
LEAD COUNSEL AND LIAISON COUNSEL

IRA M. PRESS declares as follows:

1. I am a partner in the law firm of Kirby McInerney LLP, counsel for Local 338 Retirement Fund ("Local 338" or "Movant"). I submit this declaration in support of Local 338's motion for appointment as lead plaintiff and approval of selection of counsel.

2. Attached hereto as Exhibit 1 is a true and correct copy of the notice of pendency of class action that was published on August 17, 2012 in *Investors Business Daily*, a widely circulated national business-oriented newspaper

3. Attached hereto as Exhibit 2 is a true and correct copy of the signed certification of Local 338, pursuant to the requirements of the Private Securities Litigation Reform Act of 1995. *See* 15 U.S.C. § 78u-4(a)(2).

4. Attached hereto as Exhibit 3 is a chart, prepared by counsel, listing Local 338's transactions and losses in Hewlett Packard Company ("HP") stock during the period between November 13, 2007 and August 6, 2010, inclusive (the "Class Period"), and calculating Movant's losses from Class Period investments in HP stock.

5. Attached hereto as Exhibit 4 is a true and correct copy of *Morris v. Smith Micro Software Inc.*, SACV 11-0976 AG (ANx), slip op. (C.D. Cal. Oct. 17, 2011).

6. Attached hereto as Exhibit 5 is a true and correct copy of the firm resume of Kirby McInerney LLP.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on October 16, 2012.



IRA M. PRESS

DECLARATION OF IRA M. PRESS IN SUPPORT OF LOCAL 338 RETIREMENT FUND'S
MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF
LEAD COUNSEL AND LIAISON COUNSEL

**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO NORTHERN
DISTRICT OF CALIFORNIA LOCAL RULES AND LOCAL CIVIL RULE 5-1**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1925 Century Park East, Suite 2100, Los Angeles, California 90067.

On October 16, 2012, I caused to be served the following document:

**DECLARATION OF IRA M. PRESS IN SUPPORT OF LOCAL 338
RETIREMENT FUND'S MOTION FOR APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF SELECTION OF LEAD COUNSEL AND LIAISON
COUNSEL**

By posting the document to the ECF Website of the United States District Court for the Northern District of California, for receipt electronically by the parties as reflected on the attached Court's Service List.

And on any non-ECF registered party:

By Mail: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service that same day.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 16, 2012, at Los Angeles, California.

s/ Lionel Z. Glancy
Lionel Z. Glancy

Mailing Information for a Case 4:12-cv-04115-PJH

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Lionel Z. Glancy**
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- **Sarah G. Lopez**
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- **Robert Vincent Prongay**
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- **Andrew Michael Purdy**
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- **Diane Leslie Webb**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)